

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

KOMATSU FINANCIAL LIMITED PARTNERSHIP,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-cv-01336

KIRBY LAND COMPANY, INC.,

Defendant.

**ORDER**

Pending is Plaintiff's Statement of Attorneys' Fees and Costs [Doc. 45]. On September 16, 2019, the Court granted summary judgment in favor of Plaintiff and concluded that an award of Plaintiff's attorneys' fees is warranted [Doc. 40 at 2]. The Court ordered that Plaintiff submit a request and supporting documentation for reasonable attorneys' fees should the parties fail to reach agreement as to the amount [*Id.*]. On October 15, 2019, Plaintiff filed a Statement of Attorney's Fees and Costs totaling \$81,474.84 [Doc. 45]. Defendant did not respond to the statement. On November 26, 2019, the Court allowed Defendant an additional fourteen (14) days to respond [Doc. 50]. The Court advised, "[i]f Defendant does not respond, the matter will be considered unopposed" [*Id.*]. Defendant failed to respond within fourteen (14) days of the order as directed. As the matter is unopposed, it is **ORDERED** that Plaintiff be awarded attorneys' fees and costs in the amount of \$81,474.84.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTERED: December 11, 2019



*Frank W. Volk*  
Frank W. Volk  
United States District Judge